REPORT

OF THE

CALCUTTA COURT OF SMALL CAUSES,

FOR THE YEAR

1872-73.

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1873.

No. 12.

FROM

THE JUDGES OF THE CALCUTTA COURT OF SMALL CAUSES,

TO

THE SECRETARY TO THE GOVERNMENT OF BENGAL,
JUDICIAL DEPARTMENT.

Fort William, the 31st July 1873.

SIR,

WE have the honor to forward, for the information of His Honor the Lieutenant-Governor, the Annual Report of the business of this Court for the year 1872-73 ending 31st March last, being the twenty-third report.

2. The number of cases instituted in the Court during the year was 34,843, being an increase of 3,307 as compared with the number instituted during the year ending 31st March 1872. The average number of cases for each day was 131·9.

3. The following comparative table shows the increase and decrease of institutions during the year.

CLASS OF CASES.	In 1871-72.	In 1872-73.	Decrease.	Increase.
Under Rupees 5	6,805	7,859	.....	1,054
Ditto 10	6,652	7,182	.....	530
Ditto 20	6,518	7,174	.....	656
Ditto 50	6,034	6,550	.....	516
Ditto 100	2,412	2,719	.....	307
Ditto 200	1,496	1,609	.....	113
Ditto 300	556	647	.....	91
Ditto 400	335	307	28	.....
Ditto 500	202	221	.....	19
Ditto 600	172	170	2	.....
Ditto 700	110	136	.....	26
Ditto 800	87	87	.....	.....
Ditto 900	60	73	.....	13
Ditto 1,000	59	62	.....	3
Above rupees 1,000	38	47	.....	9
Total	31,536	34,843	30	3,337
Deduct decrease	.....	.....	.....	30
Net increase	.....	.....	.....	3,307

The result has been an increase in almost all classes of suits. It is not always easy to account forthese fluctuations in the business of the Court; but it will be observed that in one month (March) of 1872, there was at once a decrease of 405 suits, which was attributed to the great prevalence of sickness at that time. There has been nothing of this kind to interfere with the business during the year under report, and a part of the increase, as compared with last year, may be attributed to a return to the normal condition of affairs,

and the rest to the generally improved state of business in Calcutta. At the same time we have reason to believe that a certain class of suits has fallen off, viz. actions for wages by bhistees and water-carriers (Jullobharies), which at one time were very numerous, but which, since the introduction of water into Calcutta houses, have entirely disappeared.

4. The amount in litigation was Rs. 16,23,110-7-11. Rs. 4,03,612-6-4 were paid into Court, and Rs. 3,99,836-5-7 paid out of Court.

5. There were 9,297 warrants in execution of decrees issued during the year just ended, as against 8,539 issued during the previous year, showing an increase of 758. The execution of warrants has been steadily improving for some years past, and the returns are creditable to the Bailiffs' Department. The number of warrants issued during the past year has been greater (with one exception) than in any year since the institution of the Court. There have been seven complaints against bailiffs during the year. Four bailiffs were dismissed, and three suspended.

6. There has also been a considerable increase of business in the Distraint Department. On a reference to Table 8 of the report it will appear that 722 distresses for rent were issued, giving an increase of 165 as compared with 1871-72. Of these 722 distresses, 18 only were subsequently set aside and 4 remained unexecuted.

7. The receipts on account of commission and fees, &c., have been 2,22,528 13 9

From which is to be deducted—

	Rs.	A.	P.	
Salaries of the Judges	74,425	12	6	
Cost of establishment	81,928	5	8	
House rent	14,400	0	0	
Contingent expenses	2,804	1	0	
Bailiffs' commission	4,514	0	0	
				1,78,072 3 2
Balance to the credit of the Court				44,456 10 7

This is a considerable improvement on the last two years. The surplus is not arrived at till after deduction of all expenses. In the years when the largest surplus resulted from the Court's operations there was no Fifth Judge, and the establishment of the Court was on a much smaller scale; so that if the cost of the Fifth Judge and the additional establishment charges be deducted, the result will be found to be nearly equal to some of the best years.

8. The following statement exhibits the result of cases set down for hearing during the year:—

Number of cases pending in 1871-72		876
" " " instituted in 1872-73		34,843
Decided in favour of plaintiffs after trial	8,557	35,719
Decided in favour of plaintiffs *ex parte*	6,625	
Dismissed after trial	1,450	
Non-suited	3,548	
Compromised	11,090	
Struck off in default of plaintiffs	3,243	
Pending at the close of the year	1,206*	
		35,719

9. With reference to the number of decisions in favour of plaintiffs, as compared with the number of those in favour of defendants, we would remark that the number directly decided in favour of defendants is 1,450. To these must be added the whole of the cases non-suited, which are practically decisions in favour of defendants. These come to 3,548. To this may be further added

* Partly heard and adjourned 323
Returnable in 1873-74 ... 883
1,206

2,948 cases, which being decrees in favour of plaintiff for part only of his claim, must be considered as to the remainder of the claim decrees for the defendant. Decrees for defendants may therefore be considered as amounting to 7,946 as against 15,182 for plaintiffs, in which is included the already mentioned number of cases decided partly in favour of plaintiffs and partly in favour of defendants, viz. 2,948 cases: thus shewing that these two classes of cases bear a proportion to each other of a trifle less than 2 to 1 in favour of plaintiffs, which certainly cannot be looked upon as an excessive proportion in favour of plaintiffs. This would, in fact, appear an unduly *small* proportion of suits decided in favour of plaintiffs but for the number of cases compromised and struck off in default of appearance by both parties, which, taken together, amount to 14,333. In the great majority of these cases the plaintiffs may be taken to have obtained, in whole or in part, the remedy for which they came into Court. If these be added to the number of 15,182, already stated as decided in favour of plaintiffs, the total will amount to 29,515 as against 7,946 for defendants, or a proportion of little over 3 to 1. We look upon this as a natural and proper result, regard being had to the fact, which experience has established, that defences are in all Courts much more frequently fraudulent than suits.

10. The number of adjourned suits, 323, pending at the close of the year, is smaller than it has been since 1868, and that in the face of an increase in the business. Table 3 shows the various causes for which cases were kept pending.

11. The 34,843 suits instituted during the year were distributed as follows:—

1st Judge	1,967
2nd do.	6,438⅛
3rd do.	7,493⅛
4th do.	7,493⅛
5th do.	11,450
	34,843

The First Judge takes no cases below Rs. 100, while until lately the Second Judge got none below Rs. 20 in value. The cases set down before the First Judge, though small as compared with those on the files of other Judges, include the most important mercantile suits, which involve a great deal of argument and necessarily take a long time to try. Those on the Fifth Judge's file again, if considerable in number, are of an exactly opposite character: they are for most part of a trifling nature, both as to matter and amount, and are mostly compromised or decreed *ex parte*, and even when contested, are very easily disposed of.

12. The foregoing results, however, have not been attained without considerable exertion on our part. We have at times found the work very heavy and a great strain upon us. The work is not steady, but comes in rushes, and the daily percentage of 131·9 cases does not convey a correct idea of the work as it comes before us. As an illustration of our meaning, we send 24 cause lists, which will afford some idea of the number of cases we have sometimes to dispose of in a single day. These heavy lists come up three or four times a month, while for the three months immediately preceding the Doorga Poojah holidays they occur two or three times a week, if not daily. It is of course impossible to clear off the day's work on such occasions. The unavoidable absence of a Judge on any of these days, or indeed on any day, tends to increase the evil. A number of cases have to be postponed, and postponements once begun are difficult to keep under. In this respect this Court differs from most other Civil Courts. The object of the legislature and of the rules of practice has been that each day should see its own work fully accomplished, and it is the only way in which the Judges can keep pace with the enormous number of suits set down before them; but the object is constantly defeated by the rush of suits which come before us. We often feel, too, that we would like to have more time at our disposal than we have for the investigation of difficult cases.

13. The practitioners in the Court have increased considerably of late years, and, as a consequence, the number of contested cases is greater than in

former years, while all the recent enactments of the legislature of a general character, affecting civil rights, have been made applicable to this Court, and a new and numerous class of questions arising out of these Acts add considerably to the work.

14. These facts and figures will perhaps satisfy His Honor that there is sufficient work for a Fifth Judge in addition to a Registrar with *quasi*-judicial functions.

15. We would further draw His Honor's attention to two recent decisions of the High Court which have upset the long existing practice of this Court on two very important points, and are likely to cause much public inconvenience, if not loss. These decisions will also probably exercise an important effect on the future pecuniary results of the working of this Court.

16. The first is the decision in the case of *Bhairabdan Ram Chand* v. *Bassantloll Bhagut* (B. L. R., Vol. IX, p. 256), in which the High Court held in substance that the six last words of the 3rd Rule of Practice of this Court were *ultra vires*. The Act (IX of 1850) which regulates our proceedings contains no provisions corresponding to Sections 81 to 91 of the Civil Procedure Code, and Rule 3 of the rules of Practice of this Court, as modified by the above decision, requires that two clear days' notice of suit at least shall on all occasions be given to the defendant. During these two days it frequently happens that a fraudulent defendant secretes his property or conveys it out of the jurisdiction. To meet this evil our predecessors and ourselves, under the words of the 3rd Rule, which have been now declared *ultra vires*, were in the habit of issuing summonses returnable on the day of issue, and only granting a postponement on the deposit of security. As it is pronounced to be beyond our powers to do this any longer, this Court will hereafter not be resorted to in this class of suits, and the public will have been deprived of a speedy remedy in cases of fraudulent transfer of property, contemplated insolvency, and the like.

17. The second decision to which we would refer was in *Kallypersaud Sing* v. *Hoolas Chand* (B. L. R., Vol. X, p. 448), where the High Court decided that tiled huts were not "chattels" within the meaning of Section 58 of Act IX of 1850, and were therefore not proper subjects of attachment in execution of decrees of this Court. Now tiled huts are often the only tangible property on the visible security of which the landlord and the petty dealer give credit to the tenant. Credit will therefore in future be much more sparingly given, while those who have already advanced money and given credit on this security, will experience considerable difficulty in righting themselves. Already some suits have been instituted raising questions as to the value or worthlessness of the titles of persons who have bought huts and paid for them either at the sales of the Court or from private individuals who have originally purchased at such sales. Such purchases may for some time afford a fruitful source of litigation. The number of suits, however, instituted on the basis of the nonpayment of small debts on the security of tiled huts may reasonably be expected to diminish.

18. We see no remedy for the effects of these decisions except a legislative enactment, which is, in other respects, much required.

19. We would also bring to His Honor's notice a matter which has engaged our attention, and indeed that of all the Judges who have ever presided in this Court, at various times, but without any practical results. This is the question of law-brokers or dalolls. They are unquestionably a source of great evil: they instigate much frivolous, if not false, litigation; impose upon poor and ignorant suitors, and mainly through their interference the simple and speedy procedure of this Court is hampered and delayed. In 1865 Mr. Boulnois, then First Judge, made a selection of a few persons with the object of "putting a check to the extortion" practised by these men. A list was accordingly made out and 39 men were admitted. This plan was after a time found not to result in much good. The horde of unrecognized men still frequented the Court and did quite as much business as the others, the only difference between the two being that the admitted men had the privilege of filing powers and acting in the offices of the Court. Many of the admitted men were also found

to be equally untrustworthy; and complaints became so numerous and well founded, that in 1867 an order was passed that no persons whatever should be recognized as mooktears, and that powers would only be received in the names of the admitted Pleaders of the Court. This led to a complaint and correspondence with Government. Since then a few men have again been allowed to file powers, but the evil is as rampant as ever with regard to the others. In February 1871* the Judges made a special representation to Government, asking for legislative interference; but the Bill with reference to which that representation was sent up, has not yet passed into law. We cannot add anything to what was said on that occasion, except that the evil, if anything, has been steadily increasing ever since. We would recommend a legislative enactment in the terms proposed in the papers sent up by Mr. Thomson as the only true remedy for the evil. If the Bill which was then before the Legislative Council is not likely to be revived shortly and become law, we would suggest that a short special Act for Calcutta might be introduced.

* No. 29, dated 24th February 1871.

20. Mr. G. C. Sconce was appointed to officiate as a Judge in January last, when Mr. Thomas Jones was appointed to act as Clerk of the Court and Officiating Fifth Judge.

21. This report has been sent in somewhat later than usual, but the delay is entirely due to the necessity of preparing the new tabular statement No. 17, called for in Government orders No. 6659 of 6th December 1872. This statement will be kept up for the future, and the same delay need not occur again.

We have the honor to be,

SIR,

Your most obedient servants,

G. S. FAGAN,
KOONJO LALL BANERJEA,
R. S. T. MACEWEN,
G. C. SCONCE,

Judges of the Calcutta Court of Small Causes.

No. 1.—PART I.

Abstract Statement of the Statistics of the Calcutta Court of Small Causes for the Twenty-third year of its institution, viz. from 1st April 1872 to 31st March 1873.

Months	1			2	3	4	5	6	7	8	9	10	11	12	13			14	15	16
	Number of suits instituted.																			
	English.	Native.	Total.	The English cases bear to the native cases the ratio of—	Number of summonses issued.	Number of second summonses issued.	Number of subpœnas issued.	Number of attachments issued.	Number of writs of execution issued.	Number of bench warrants issued.	Number of copies of judgments issued.	Number of committments issued.	Number of releases issued.	Number of cases referred to arbitration.	Number of powers filed by attorneys.	Number of powers filed by pleaders.	Number of warrants to sue and defend filed.	Number of days in which the court was open.	Average number of suits instituted daily.	Amount litigated in the suits instituted.
1872.																				Rs. As. P
April	616	2,532	3,148	4·1	3,951	145	3,062	2	746	4	36	28	17	37	44	601	645	23	136·8	1,40,199 0 8
May	544	2,193	2,737	4·03	3,438	121	2,199	5	733	2	34	12	21	32	15	480	495	25	109·4	1,21,280 1 1
June	503	2,099	2,602	4·1	3,304	166	2,551	4	720	3	36	29	22	46	37	597	634	23	113·1	1,23,002 6 3
July	661	2,948	3,609	4·4	4,415	211	3,218	4	865	4	33	42	56	54	61	820	881	26	138·8	1,68,220 3 8
August	629	2,828	3,457	4·4	4,373	175	3,487	10	939	3	40	48	90	78	45	769	814	26	132·9	1,52,390 11 6
September	813	3,432	4,245	4·2	5,351	145	4,006	4	1,148	2	53	43	37	70	70	807	877	25	169·8	1,93,841 5 1
October	29	98	127	3·3	190	23	259		222	2	2	31	29	9	8	117	225	4	31·7	11,622 15 8
November	535	2,251	2,786	4·1	3,774	100	2,529	1	673	4	28	28	12	31	15	504	419	20	139·3	1,37,958 2 3
December	371	1,710	2,081	4·6	2,668	103	2,009	4	615	1	25	56	46	38	41	382	423	18	115·6	1,02,615 1 3
1873.																				
January	691	3,010	3,701	4·3	4,664	137	3,551	8	988	14	41	41	35	76	25	508	533	26	142·3	1,74,428 13 3
February	538	2,535	3,073	4·7	3,938	135	2,966	1	796	6	34	37	23	44	26	484	510	23	133·6	1,49,271 14 2
March	636	2,641	3,277	4·1	4,070	109	3,141	4	805	11	57	33	30	42	23	418	441	25	131·08	1,48,259 13 1
Total	6,566	28,277	34,843	4·3	44,136	1,510	32,918	47	9,250	56	419	428	418	557	410	6,487	6,897	264	131·9	16,23,110 7 11

	Days
The Court was closed on account of Sundays	52
Christmas Day and Her Majesty's Birthday	2
Vacation in December	8
Hindoo Holidays, including Dussoharrah Vacation	39
Total number of days in which the Court was closed	101
Number of sitting days	264
Total	365

CALCUTTA COURT OF SMALL CAUSES,
The 31st July 1873.

THOMAS JONES,
Offg. 5th Judge and Clerk of the Court.

No. 1.—PART II.

Abstract Statement of the Statistics of the Calcutta Court of Small Causes for the twenty-third year of its institution, from 1st April 1872 to 31st March 1873.

Months.	Graduated digest of cases instituted.																Disposal of suits set down for hearing.							Commission and fees paid in stamps on suits instituted.	Amount of half costs refunded to suitors in cases compromised before hearing and remitted by order of the Judges.
	Under Rs. 5.	Under Rs. 10.	Under Rs. 20.	Under Rs. 50.	Under Rs. 100.	Under Rs. 200.	Under Rs. 300.	Under Rs. 400.	Under Rs. 500.	Under Rs. 600.	Under Rs. 700.	Under Rs. 800.	Under Rs. 900.	Under Rs. 1,000.	Above Rs. 1,000.	Total.	Judgment for plaintiffs.	Judgment for defendants.	Struck off.	Nonsuited.	Compromised.	Pending.	Total.	Rs. A. P.	Rs. A. P.
1872.																									
April	693	724	653	576	243	120	48	30	14	16	11	9	8	2	1	3,148	1,369	111	240	319	946	.....	2,985	21,097 3 6	2,508 7 3
May	589	617	554	521	196	129	49	19	21	18	10	3	4	4	3	2,787	974	104	214	217	610	.....	2,119	18,436 13 0	2,336 13 3
June	537	502	530	547	224	122	56	25	15	14	13	7	3	6	1	2,602	1,109	100	242	235	757	.....	2,443	19,774 0 0	2,593 7 9
July	857	737	744	668	255	159	77	27	21	21	11	11	6	7	8	3,609	1,757	156	321	326	1,500	.....	4,060	25,145 9 0	3,885 3 0
August	815	736	681	607	280	165	58	37	23	13	17	10	9	5	1	3,457	1,524	143	299	409	1,067	.....	3,441	23,528 10 0	3,531 7 9
September	984	835	851	825	357	189	72	30	29	18	17	15	5	12	6	4,245	1,894	183	310	496	1,493	.....	4,376	30,226 11 6	4,296 9 0
October	19	17	22	27	15	12	4	3	3	...	3	1	...	...	1	127	288	25	88	68	232	.....	701	2,045 2 6	1,213 12 3
November	636	556	606	510	216	120	53	30	10	10	11	8	7	6	7	2,786	997	114	263	258	649	.....	2,281	20,467 5 6	1,806 10 6
December	430	420	452	391	170	117	38	20	13	7	6	6	6	1	4	2,081	996	106	306	244	709	.....	2,361	15,296 15 6	2,254 1 0
1873.																									
January	863	774	738	705	282	191	74	33	30	25	20	8	10	5	5	3,701	1,456	143	366	330	1,129	.....	3,424	26,715 5 0	4,169 9 0
February	687	621	649	594	234	140	53	26	18	17	9	3	9	7	6	3,073	1,292	124	309	274	954	.....	2,953	22,097 0 0	2,895 9 9
March	809	643	694	579	247	145	65	27	24	13	8	6	6	7	4	3,277	1,526	142	285	372	1,044	1,206	3,369	22,555 11 6	3,031 6 9
Total ...	7,859	7,182	7,174	6,550	2,719	1,649	647	307	221	170	136	87	73	62	47	34,843	15,182	1,450	3,243	3,548	11,090	1,206	34,513	2,47,396 7 0	34,523 1 3

CALCUTTA COURT OF SMALL CAUSES,

The 31st July 1873.

THOMAS JONES,

Offg. 5th Judge and Clerk of the Court.

No. 2.

Comparative Table of Cases set down for hearing, from the 1st April 1871 to 31st March 1872, and from 1st April 1872 to 31st March 1873, showing how they are disposed of.

	April		May		June		July		August		September		October		November		December		January		February		March		Total.	
	1871.	1872.	1871.	1872.	1871.	1872.	1871.	1872.	1871.	1872.	1871.	1872.	1871.	1872.	1871.	1872.	1871.	1872.	1872.	1873.	1872.	1873.	1872.	1873.	1872.	1873.
Judgment for plaintiffs ...	1,067	1,369	1,368	974	1,512	1,109	1,388	1,757	1,586	1,524	1,532	1,394	797	288	371	997	1,115	996	1,530	1,456	1,430	1,292	1,214	1,526	14,900	15,183
Judgment for defendants ...	95	111	147	104	162	100	141	156	143	142	123	183	68	25	36	114	107	106	123	143	135	124	117	142	1,397	1,450
Nonsuit and struck off ...	537	559	565	431	578	477	565	647	640	708	656	908	308	156	182	521	517	550	612	696	595	583	487	657	6,242	6,791
Compromised	749	946	924	610	938	757	974	1,560	1,081	1,067	993	1,493	539	232	155	649	625	709	1,006	1,129	863	954	823	1,044	9,690	11,099
Undecided, postponed after being called for hearing—																										
In 1871-72 ... 876																										
In 1872-73 ... 1,206																										
Total ...	2,448	2,985	3,004	2,119	3,190	2,443	3,068	4,060	3,450	3,441	3,304	4,376	1,712	701	744	2,281	2,364	2,361	3,261	3,424	3,043	2,953	2,641	3,369	32,229	34,513

Postponed after being partly heard 323
Instituted towards the close of the year, the returnable date being after the official year 883
Total ... 1,206

CALCUTTA COURT OF SMALL CAUSES,
The 31st July 1873.

THOMAS JONES,
Offg. 5th Judge and Clerk of the Court.

No. 3.

Statement showing the Number of Cases pending on the 31st March 1873.

	Number of cases partly heard and postponed.							Instituted before but not returnable till after the close of the year.	Grand total.
	For service of summons.	For witnesses.	For attachment.	At the request of the parties to the suit.	Referred to arbitration.	By order of the court.	Total.		
1st Judge	7	1	..	22	7	17	54	....	....
2nd Judge	1	4	..	5	13	10	33	....	...
3rd Judge	14	..	..	21	13	58	106	....	...
4th Judge	15	2	1	18	13	45	94	....	....
5th Judge	3	1	..	14	5	13	36	883	....
Total	40	8	1	80	51	143	323	883	1,206

THOMAS JONES,

Offg. 5th Judge and Clerk of the Court.

CALCUTTA COURT OF SMALL CAUSES,

The 31st July 1873.

No. 4.

Abstract Statement of Cases set down for hearing and disposed of from 1st April 1872 to 31st March 1873.

Months.	Judgment for plaintiffs.	Judgment for defendants.	Struck out.	Nonsuited.	Compromised.	Total number of cases disposed of.	Undecided.	Total number of cases instituted.
1872.								
April	1,369	111	240	319	946	2,985	.....	3,148
May	974	104	214	217	610	2,119	.....	2,737
June	1,109	100	242	235	757	2,443	.....	2,602
July	1,757	156	321	326	1,500	4,060	.....	3,609
August	1,524	142	299	409	1,067	3,441	.....	3,457
September	1,894	183	310	496	1,493	4,376	.....	4,245
October	288	25	88	68	232	701	.....	127
November	997	114	263	258	649	2,281	.....	2,786
December	996	106	306	244	709	2,361	.....	2,081
1873.								
January	1,456	143	366	330	1,129	3,424	.....	3,701
February	1,292	124	309	274	954	2,953	.....	3,073
March	1,526	142	285	372	1,044	3,369	1,206	3,277
Total	15,182	1,450	3,243	3,548	11,090	34,513	1,206	34,843

CALCUTTA COURT OF SMALL CAUSES,

The 31st July 1873.

THOMAS JONES,

Offg. 5th Judge and Clerk of the Court.

No. 5.

Comparative Statement of Commission and Fees realized and credited to Government in 1871-72 *and in* 1872-73.

Months.	1871-72. On account of fees received in the institution and prosecution of suits, and on account of distresses for rent.	Months.	1872-73. On account of fees received in the institution and prosecution of suits, and on account of distresses for rent.	Total increase of fees in 1871-72.	Total decrease of fees in 1872-73.	Remarks.
1871.	Rs. A. P.	1872.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
April	15,269 15 3	April	18,588 12 3	3,318 13 0	.....	
May	18,014 11 6	May	16,089 15 9	.....	1,924 11 9	
June	20,675 15 9	June	17,180 8 3	.....	3,495 7 6	
July	17,905 11 3	July	21,260 6 0	3,354 10 9	.....	
August...	22,643 5 3	August	19,997 2 3	.....	2,646 3 0	
September	21,136 11 6	September	25,930 2 6	4,793 7 0	.....	
October	5,837 14 3	October	831 6 3	.....	5,006 8 0	
November	8,472 4 3	November	18,680 11 0	10,208 6 9	.....	
December	11,993 7 0	December	13,042 14 6	1,049 7 6	.....	
1872.		1873.				
January	22,321 8 9	January	22,545 12 0	224 3 3	.....	
February	16,665 12 3	February	19,201 6 3	2,535 10 0	.....	
March	16,475 10 3	March	21,869 3 0	3,393 8 9	.....	
Total ...	1,97,412 15 3	Total ...	2,15,218 4 0	30,878 3 0	13,072 14 3	

Deduct decrease ... ... Rs. 13,072 14 3
Net increase ... ... „ 17,805 4 9
} Or an increase of more than 9 per cent. over the receipts of last year

CALCUTTA COURT OF SMALL CAUSES,
The 31*st July* 1873.

THOMAS JONES,
Offg. 5th Judge and Clerk of the Court.

No. 6.

Abstract Statement of sums received and paid out to Suitors and others from 1*st April* 1872 *to* 31*st March* 1873.

1872.	Rs. A. P.	1872.	Rs. A P
To cash received on account of suitors, &c., in April,	33,670 8 0	By cash paid out to suitors, &c., in April	31,434 11 5
Ditto ditto May,	30,497 14 7	Ditto ditto May	31,170 11 0
Ditto ditto June,	32,034 2 9	Ditto ditto June	31,212 0 0
Ditto ditto July,	40,203 0 3	Ditto ditto July	42,867 13 0
Ditto ditto Augt.,	46,493 3 10	Ditto ditto August	41,948 8 3
Ditto ditto Sept.,	47,637 2 10	Ditto ditto September ...	46,058 0 6
Ditto ditto Oct.,	9,782 8 0	Ditto ditto October	12,490 9 3
Ditto ditto Nov.,	33,006 4 5	Ditto ditto November ...	31,397 4 1
Ditto ditto Dec.,	28,829 15 9	Ditto ditto December ...	31,047 1 11
1873.		1873.	
To cash received on account of suitors, &c., in Jan.,	35,294 2 0	By cash paid out to suitors, &c., in January	34,692 3 9
Ditto ditto Feb.,	35,415 6 3	Ditto ditto February... ...	35,893 1 3
Ditto ditto Mar.,	30748 1 8	Ditto ditto March	29,624 5 2
Total ...	4,03,612 6 4	Total ...	3,99,836 5 7

CALCUTTA COURT OF SMALL CAUSES,
The 31*st July* 1873.

THOMAS JONES,
Offg. 5th Judge and Clerk of the Court.

No. 7.

Table showing the nature of cases heard and decided from 1*st April* 1872 *to* 31*st March* 1873.

Months.	Goods sold and delivered.	Bills of exchange and promissory notes.	Wages.	Work and labor.	Money paid.	Money lent.	Account stated.	Use and occupation.	On judgment.	Guarantee.	Partnership balance.	Money had and received.	Other actions in assumpsit.	Trover.	Actions in the case.	Trespass to property.	Assault.	Replevin.	Interpleader claim.	Recovery of small tenements.	Ejectment.	Against executors and administrators.	Total
1872.																							
April	1,145	198	253	181	36	381	36	266	3	16	4	76	169	65	57	...	54	...	48	6	1	...	2,965
May	826	111	166	138	20	255	33	184	5	5	5	78	147	37	48	...	36	2	25	3	...	...	2,119
June	912	141	219	180	14	299	41	235	4	6	3	83	146	46	42	3	40	...	27	2	...	...	2,445
July	1,607	238	306	290	43	547	51	348	26	10	8	131	187	65	65	39	28	2	41	9	19	...	4,060
August	1,352	208	238	227	55	454	45	256	7	6	5	117	234	82	80	...	36	1	33	...	5	...	3,441
September	1,715	266	319	287	59	612	56	374	2	18	2	138	238	90	94	4	57	1	39	4	...	1	4,376
October	247	61	50	57	45	61	14	42	2	5	...	16	52	11	9	6	5	2	15	1	...	...	701
November	775	115	213	168	25	427	30	167	2	9	5	78	82	52	71	...	25	1	32	1	3	...	2,281
December...	885	145	167	171	28	413	27	140	4	6	3	100	86	54	56	1	35	...	25	6	4	5	2,361
1873.																							
January	1,271	218	276	229	60	605	48	256	13	7	4	104	108	65	82	2	37	...	30	3	3	3	3,434
February	1,147	185	232	184	43	554	31	195	2	4	4	84	111	51	55	...	26	...	32	4	7	2	2,953
March	1,356	154	232	247	65	510	47	230	2	5	6	118	209	58	66	1	29	...	39	5	4	...	3,369
Total ...	13,238	2,015	2,671	2,359	493	5,118	459	2,693	78	97	49	1,118	1,769	676	725	56	408	9	381	44	46	11	34,513

CALCUTTA COURT OF SMALL CAUSES,
The 31*st July* 1873.

THOMAS JONES,
Offg. 5th Judge and Clerk of the Court.

No. 8.

Statement showing the Statistics of the Distraint Department of the Court under Act VII of 1847, *from* 1*st April* 1872 *to* 31*st March* 1873.

Months.	Distraint compromised before appraisement.	Sales.	Distresses set aside before appraisement.	Unexecuted.	Compromised after appraisement.	Distresses set aside after appraisement.	Total number of distresses for rent.	Amount of rent for which distresses were made.	Commission and fees deposited.
								Rs. A. P.	Rs. A. P.
1872.									
April	44	11	.....	.....	4	1	60	3,456 0 6	577 0 0
May	31	12	1	1	9	.....	54	4,049 14 9	620 8 0
June	37	12	3	.....	5	.....	57	4,923 8 4	755 4 0
July	47	6	2	.....	9	.....	64	3,330 9 0	541 4 0
August	57	14	1	.....	6	1	79	3,706 13 9	591 12 0
September	60	23	.....	.....	11	.....	93	4,763 6 6	804 4 0
October	2	.....	.....	.....	.....	.....	2	163 12 0	24 8 0
November	50	10	5	1	7	.....	73	5,862 13 2 12½	883 4 0
December	33	5	1	.....	4	1	44	1,880 14 9	346 8 0
1873.									
January	59	18	3	.....	11	.....	91	5,637 10 6	883 8 0
Febuary	28	8	2	.....	5	.....	43	2,196 8 0	339 4 0
March	42	7	1	2	10	.....	62	3,927 5 6	607 8 0
Total ...	490	125	19	4	81	3	722	45,389 4 9 12½	6,974 8 0

CALCUTTA COURT OF SMALL CAUSES,
The 31*st July* 1873.

THOMAS JONES,
Offg. 5th Judge and Clerk of the Court.

No. 9.

Statement showing the amount of fines from 1st April 1872 to 31st March 1873.

Months.	Amount. Rs. A. P.	Months.	Amount Rs. A. P
1872.		1872.	
April...	.....	December	25 0 0
May	5 0 0	1873.	
June	2 0 0	January	13 0 0
July	.....	February...	5 8 0
August	12 4 0	March...	25 0 0
September	27 0 0	Total	114 12 0
October	.....		
November	.....		

CALCUTTA COURT OF SMALL CAUSES,
The 31st July 1873.

THOMAS JONES,
Offg. 5th Judge and Clerk of the Court.

No. 10.

Statement showing the salaries of the Judges, Cost of the Establishment, House Rent, contingent and other charges, from 1st April 1872 to 31st March 1873.

Months.	Salaries of the Judges.	Establishment charges.	House-rent.	Commission allowed to Bailiffs.	Contingent charges.	Total.
1872.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P
April	6,200 0 0	6,827 0 0	1,200 0 0	423 8 0	490 14 3	15,141 6 3
May	6,200 0 0	6,824 14 9	1,200 0 0	319 8 0	241 0 9	14,785 7 6
June	6,200 0 0	6,826 0 0	1,200 0 0	331 2 0	240 15 6	14,798 1 6
July	6,200 0 0	6,818 14 3	1,200 0 0	391 14 0	291 15 6	14,902 11 9
August	6,200 0 0	6,819 11 9	1,200 0 0	403 14 0	190 6 3	14,814 0 0
September	6,200 0 0	6,807 10 3	1,200 0 0	462 12 0	241 1 9	14,911 8 0
October	6,200 0 0	6,826 6 6	1,200 0 0	512 14 0	263 1 0	15,002 5 6
November	6,200 0 0	6,892 5 2	1,200 0 0	179 6 0	258 15 0	14,730 8 2
December	6,200 0 0	6,731 6 11	1,200 0 0	243 8 0	95 9 9	14,470 8 8
1873.						
January	6,638 11 1	6,791 1 11	1,200 0 0	369 2 0	232 5 9	15,231 4 9
February	5,687 1 5	6,865 3 6	1,200 0 0	407 12 0	78 11 6	14,238 12 5
March	6,300 0 0	6,897 10 8	1,200 0 0	468 12 0	179 2 0	15,045 8 8
Total	74,425 12 6	81,928 5 8	14,400 0 0	4,514 0 0	2,804 1 0	1,78,072 3 2

CALCUTTA COURT OF SMALL CAUSES,
The 31st July 1873.

THOMAS JONES,
Offg. 5th Judge and Clerk of the Court.

No. 11.

Statement showing the net amount credited to Government from 1st April 1873 to 31st March 1873.

Months.	Commission and fees paid in stamps, &c.	Fines.	Unclaimed. suitors money.	Savings and refunded charges.	Total amount credited.
1872.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
April	18,588 12 3	.....	560 13 3	.....	19,149 9 6
May	16,089 15 9	5 0 0	752 9 9	.....	16,847 9 6
June	17,180 8 3	2 0 0	865 10 9	.....	18,048 3 0
July	21,260 6 0	.....	515 8 9	2 0 0	21,777 14 9
August	19,997 2 3	12 4 0	698 0 6	.....	20,707 6 9
September	25,930 2 6	27 0 0	729 10 9	.....	26,686 13 3
October	831 6 3	.....	316 1 0	.....	1,147 7 3
November	18,680 11 0	.....	292 12 6	.....	18,973 7 6
December	13,042 14 6	25 0 0	307 0 9	.....	13,374 15 3
1873.					
January	22,545 12 0	13 0 0	.....	142 9 6	22,701 5 6
February	19,201 6 3	5 8 0	.....	.....	19,206 14 3
March	21,869 3 0	25 0 0	2,013 0 3	.....	23,907 3 3
Total	2,15,218 4 0	114 12 0	7,051 4 3	144 9 6	2,22,528 13 9

CALCUTTA COURT OF SMALL CAUSES,
The 31st July 1873.

THOMAS JONES,
Offg. 5th Judge and Clerk of the Court.

No. 12.

Statement of Indigent Debtors relieved from 1st April 1872 to 31st March 1873, prepared in conformity with Mr. Secretary Eden's letter No. 873T, dated 1st October 1863.

Date and months.	Names of parties relieved.	Amount paid.		
		Rs.	A.	P.
1872.				
1st May	Mrs. Hester Robertson	12	6	6
4th "	" C. E. Cannon	65	0	
11th "	Ditto	16	5	3
24th June	John M. Godley	10	7	0
10th July	Ramlochun Doss	4	0	0
16th August	Mrs. G. Mercers	15	0	0
23rd "	Richard Barwell	10	0	0
21st September	Peary Bewah	25	1	[illegible]
1873.				
1st March	Gurbhoo Mozoor	1	4	0
6th "	Mrs. C. E. Cannon	94	7	9
7th "	E. A. Gomes	8	2	0
	Total	262	1	6

CALCUTTA COURT OF SMALL CAUSES,
The 31st July 1873.

THOMAS JONES,
Offg. 5th Judge and Clerk of the Court.

No. 13.

Statement of the Number of ex-parte cases disposed of by the Judges of the Calcutta Court of Small Causes, from 1st April 1872 to 31st March 1873.

	April 1872.	May 1872.	June 1872.	July 1872.	August 1872.	September 1872.	October 1872.	November 1872.	December 1872.	January 1873.	February 1873.	March 1873.	Total.
1st Judge	56	42	47	49	42	65	10	55	50	53	48	46	563
2nd Judge	100	82	86	138	95	120	22	82	99	142	128	121	1,233
3rd Judge	115	79	97	149	129	158	20	121	115	157	141	142	1,423
4th Judge	175	124	105	173	183	181	33	24	5	145	141	115	1,404
5th Judge	174	120	135	240	205	258	32	160	137	172	138	231	2,002
Total	629	447	470	749	654	791	117	442	406	669	596	655	6,625

CALCUTTA COURT OF SMALL CAUSES,
The 31st July 1873.

THOMAS JONES,
Offg. 5th Judge and Clerk of the Court.

No.

Comparative

	1st Year, 1850-51.	2nd Year, 1851-52.	3rd Year, 1852-53.	4th Year, 1853-54.	5th Year, 1854-55.
	No.	No.	No.	No.	No.
Number of cases instituted { English ...	4,407	4,544	4,796	4,397	4,402
Number of cases instituted { Native ...	16,916	23,205	22,085	20,058	20,201
Total ...	21,323	27,749	26,881	24,455	24,603
	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.
Amount litigated...	4,47,381 0 0	5,31,490 12 4	5,17,063 5 10	5,08,820 11 10	5,25,139 3 4
Commission and fees paid into court on institution of suits	59,531 14 6	73,938 8 9	73,763 13 0	73,212 14 13	75,870 7 9
Amounts credited to Government. { Net amount of commission and fees credited to Government on suits ...	57,452 13 6	74,799 4 9	77,202 4 9	75,180 7 6	73,303 9 6
Amounts credited to Government. { Ditto on distresses for rent	1,510 7 0	1,778 8 0	1,969 8 0	1,629 0 0	1,430 12 0
Amounts credited to Government. { Amount credited to Government on account of fines	651 6 6	385 4 3	484 13 3	786 15 9	240 12 3
Amounts credited to Government. { Ditto on account of unclaimed monies belonging to suitors and landlords...	.....	.....	.....	.....	.....
Amounts credited to Government. { Ditto on account of savings from salaries, sale of old furniture, records, &c.	207 6 0	712 0 3	100 9 3	.....	695 3 8
Amounts credited to Government. { Net total amount credited to Government in the cash account	59,822 1 0	77,875 1 3	79,737 3 3	77,596 7 3	75,760 5 5
Amount paid into court under decrees, &c. ...	2,46,313 0 0	2,81,804 11 0	1,14,017 2 9	1,08,620 7 11	1,12,190 14 4
Amount paid out of court on account of decrees, &c.	2,43,604 0 0	3,79,736 2 9	1,12,694 4 9	1,08,112 6 6	1,11,347 0 6
	No.	No.	No.	No.	No.
Number of days on which the court was open	258	274	277	260	235
Average number of cases instituted daily ...	82·6	101·2	96·6	94·0	105·0
Cases under Rs. 5	.....	.....	.....	.....	.....
Ditto „ 10	12,791	18,111	17,178	15,155	15,103
Ditto „ 20	3,363	4,389	4,495	4,231	4,382
Ditto „ 50	2,422	3,275	3,226	3,085	3,103
Ditto „ 100	792	948	1,028	992	1,065
Ditto „ 200	480	586	546	558	600
Ditto „ 300	186	224	217	222	213
Ditto „ 400	86	116	98	108	150
Ditto „ 500	67	100	95	104	97
Ditto „ 600	.....	.....	.....	.....	.....
Ditto „ 700	.....	.....	.....	.....	.....
Ditto „ 800	.....	.....	.....	.....	.....
Ditto „ 900	.....	.....	.....	.....	.....
Ditto „ 1,000	.....	.....	.....	.....	.....
Number of summonses issued...	51,889	68,174	65,863	59,118	58,951
Ditto second summonses	.....	9,306	7,574	5,605	3,085
Ditto subpœnas	18,952	23,399	21,920	19,917	18,612
Ditto attachments	.....	809	1,368	853	320
Ditto writs of execution	3,918	4,964	5,029	5,245	4,939
Ditto bench warrants	.....	.....	157	142	79
Ditto Copies of judgments	167	215	226	176	137
Ditto Commitments	448	624	1,040	611	623
Warrants to sue and defend filed	2,170	3,205	2,675	3,106	3,340
Judgment for plaintiffs	8,339	10,548	9,512	8,993	8,896
Ditto defendants	688	952	1,747	1,742	1,403
Non-suited	4,172	5,831	6,532	2,752	2,543
Struck out and compromised	6,655	10,223	9,419	11,583	11,168
Undecided and pending	333	380	284	406	156
	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.
Amount of half costs returned in cases compromised	10,533 5 6	9,939 11 9	6,341 9 9	12,004 15 6	11,091 2 3

14.

Table.

6th Year, 1855-56.	7th Year, 1856-57.	8th Year, 1857-58.	9th Year, 1858-59.	10th Year, 1859-60.	11th Year, 1860-61.	12th Year 1861-62.
No.	No.	No.	No.	No.	No.	No.
5,617	6,254	5,834	5,450	6,452	6,524	6,650
21,421	22,412	25,009	24,506	25,885	26,253	26,574
27,038	28,666	30,843	29,956	32,287	31,777	33,224
Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As P
6,63,241 11 11	7,30,111 2 6	8,01,824 6 0	7,65,412 11 1	9,35,003 0 9	9,78,939 4 10	11,19,418 6 0
90,844 10 3	1,01,464 2 9	1,12,778 12 9	1,09,260 7 6	1,33,317 7 6	1,39,247 12 6	1,58,436 0 3
90,333 9 3	1,00,801 14 0	1,12,624 6 9	1,07,918 0 9	1,28,992 15 3	1,36,073 3 9	1,57,258 5 3
1,543 4 0	1,000 0 0	1,157 0 0	839 0 0	1,482 12 0	1,529 8 0	11,187 4 0
253 14 9	493 5 3	343 5 9	202 8 0	191 12 0	125 0 0	330 0 [illegible]
.....	785 4 9	9,720 13 3	1,868 0 3	1,467 12 10	1,431 14 3	2,314 2 10
28 0 9	15 9 6	255 9 5	88 2 9	8 15 6	6 1 8	10 4 1
92,158 12 9	1,08,096 1 6	1,24,101 3 2	1,10,915 11 9	1,32,114 3 7	1,39,165 11 8	1,61,100 5 2
1,39,573 15 7	1,72,972 6 8	1,98,524 3 1	1,84,062 0 10	2,16,926 14 10	2,20,051 5 4	2,48,762 7 1
1,40,120 7 3	1,70,817 14 2	1,98,633 0 10	1,84,084 3 2	2,16,302 0 2	2,18,821 13 11	2,44,601 3 3
No.	No.	No.	No.	No.	No.	No.
254	246	250	246	249	253	259
106·4	116·5	123·3	121·7	129·6	125·6	128·2
.....	.....	.....	.....	.....	.....	.....
15,727	16,325	17,363	16,067	17,032	16,695	16,948
4,871	5,174	5,708	5,850	6,118	5,791	6,310
3,723	4,088	4,417	4,745	4,869	5,019	5,258
1,400	1,511	1,649	1,618	2,088	2,100	2,189
734	903	932	982	1,205	1,114	1,216
344	331	391	387	483	510	646
133	173	169	172	257	296	370
106	161	214	185	235	252	287
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
64,281	67,687	61,405	70,012	42,877	42,351	40,942
2,056	1,887	1,724	1,358	757	834	910
20,717	22,812	22,777	23,279	25,414	24,733	29,116
474	246	418	337	378	455	239
6,474	7,168	8,078	7,694	8,203	8,088	8,430
39	30	19	14	25	18	13
173	184	217	236	348	431	413
572	609	629	539	666	509	510
4,128	4,700	5,743	4,574	5,088	5,625	6,211
11,068	2,211	13,281	12,447	13,657	13,048	14,156
1,239	1,022	1,154	142	1,617	1,726	1,886
3,028	3,208	3,350	2,996	2,721	3,448	2,803
11,400	11,927	12,939	13,133	4,088	13,847	14,104
102	160	154	91	156	179	157
Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P
11,846 6 0	12,908 6 6	14,779 13 0	14,722 0 0	17,889 5 3	18,918 3 0	22,365 14 6

No.

Comparative

	13th Year, 1862-63.	14th Year, 1863-64.	15th Year, 1864-65.	16th Year, 1865-66.	17th Year, 1866-67.
	No.	No.	No.	No.	No.
Number of cases instituted { English ...	6,282	6,408	6,820	7,226	6,244
Number of cases instituted { Native ...	27,299	28,472	29,128	30,098	27,707
Total ...	33,581	34,880	35,948	37,324	33,951
	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.
Amount litigated...	10,54,228 11 7	12,10,923 6 11	17,68,551 4 7	20,90,398 4 3	17,32,378 12 0
Commission and fees paid into court on institution of suits	1,49,970 0 6	1,64,503 15 9	2,17,400 0 6	2,33,371 3 3	2,00,994 1 6
Amounts credited to Government. { Net amount of commission and fees credited to Government on suits ...	1,49,725 12 6	1,63,728 2 0	2,12,255 13 9	2,26,522 5 9	1,98,760 7 6
Amounts credited to Government. { Ditto on distresses for rent	1,553 8 0	1,374 12 0	1,269 8 0	2,312 12 0	2,745 4 0
Amounts credited to Government. { Amount credited to Government on account of fines	263 1 9	102 7 0	345 12 6	114 8 0	283 2 3
Amounts credited to Government. { Ditto on account of unclaimed monies belonging to suitors and landlords...	3,056 4 9	3,106 1 6	3,517 1 2	1,720 2 5	3,330 5 3
Amounts credited to Government. { Ditto on account of savings from salaries, sale of old furniture, records, &c.	0 12 3	192 5 3	87 10 0	209 11 0	109 5 0
Amounts credited to Government. { Net total amount credited to Government in the cash account	1,54,599 7 3	1,68,403 11 9	2,17,475 13 5	2,30,879 7 2	2,05,228 8 0
Amount paid into court under decrees, &c....	2,37,201 6 11	2,57,248 7 6	3,48,294 2 5	3,14,584 7 0½	2,68,476 12 5
Amount paid out of court on account of decrees, &c.	2,38,380 8 5	2,56,034 7 5	3,43,264 14 0	3,17,521 12 10½	2,66,356 12 2
	No.	No.	No.	No.	No.
Number of days on which the court was open	265	267	261	263	240
Average number of cases instituted daily ...	126·7	130·6	137·7	141·9	141·46
Cases under Rs. 5	.....	.....	.....	.....	.....
Ditto „ 10	18,889	19,838	20,501	20,768	19,867
Ditto „ 20	5,686	6,199	5,724	6,281	5,610
Ditto „ 50	4,136	3,394	3,378	4,080	3,154
Ditto „ 100	2,372	2,630	2,882	2,486	2,278
Ditto „ 200	1,378	1,205	1,471	1,563	1,118
Ditto „ 300	590	765	807	693	639
Ditto „ 400	306	465	414	447	441
Ditto „ 500	224	368	256	302	222
Ditto „ 600	.....	6	161	140	153
Ditto „ 700	.....	2	121	158	124
Ditto „ 800	.....	2	90	139	105
Ditto „ 900	.....	3	70	122	93
Ditto „ 1,000	.....	3	104	145	103
Number of summonses issued	43,042	44,789	46,307	48,218	43,603
Ditto second summonses	1,219	1,425	1,207	1,515	925
Ditto subpœnas	30,670	31,857	30,882	35,302	25,721
Ditto attachments	132	153	74	24	23
Ditto writs of execution	8,264	9,128	9,403	9,000	7,925
Ditto bench warrants	15	17	25	28	7
Ditto copies of judgments	352	370	368	438	433
Ditto commitments	510	520	573	580	506
Warrants to sue and defend filed	5,930	5,950	6,108	5,820	4,245
Judgment for plaintiffs...	14,125	14,688	15,326	16,138	14,803
Ditto defendants	1,986	2,182	2,023	1,813	1,483
Non-suited...	3,046	2,863	2,918	3,520	3,749
Struck out and compromised	14,395	15,129	15,612	15,882	13,434
Undecided and pending	107	169	153	171	1,666
	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P
Amount of half costs returned in cases compromised	22,076 4 6	24,071 3 9	30,194 10 0	35,568 3 3	27,419 7 3

CALCUTTA COURT OF SMALL CAUSES,

The 31st July 1873.

14.

Table.—(Continued.)

18th Year, 1867-68.	19th Year, 1868-69.	20th Year, 1869-70.	21st Year, 1870-71.	22nd Year, 1871-72.	23rd Year, 1872-73.
No.	No.	No.	No.	No.	No.
6,593	5,912	6,695	6,447	6,384	6,566
23,621	25,767	27,645	25,892	25,152	28,277
30,214	31,679	34,340	32,339	31,536	34,843
Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.
16,45,704 4 10	16,98,069 4 0	16,49,525 15 5	16,07,311 8 7	15,28,938 10 2	16,23,110 7 11
2,11,840 2 6	2,21,692 2 3	2,45,036 14 6	2,36,626 4 0	2,25,866 6 6	2,47,396 7 0
2,10,540 0 6	2,21,311 4 3	2,26,040 7 3	2,07,708 3 0	1,97,409 5 6	2,15,218 4 0
1,639 8 0	1,265 4 0				
141 8 0	262 0 0	169 10 0	111 0 0	85 4 0	114 12 6
4,256 14 11	4,356 4 5	5,797 8 9	5,477 4 9	5,543 15 9	7,061 4 3
17 14 0	19 12 0	13 8 0	5 6 0	.....	144 9 6
2,16,595 13 5	2,27,214 8 8	2,32,021 2 0	2,13,301 13 9	2,03,088 9 3	2,22,528 13 9
3,04,351 13 9	3,06,719 9 4	3,90,964 11 4	3,66,869 11 9	3,76,171 1 6	4,03,612 6 4
3,02,320 5 0	3,11,799 8 4	3,96,035 3 6	3,68,956 1 6	3,69,432 15 9	3,99,836 5 7
No.	No.	No.	No.	No.	No.
254	253	254	248	245	264
118·95	125·22	135·19	130·3	128·7	131·9
.....	.....	.....	.....	6,805	7,859
16,298	12,669	14,436	13,286	6,652	7,182
5,257	6,656	7,044	6,741	6,518	7,174
3,542	6,094	6,619	6,239	6,034	6,550
2,014	2,568	2,762	2,659	2,412	2,719
1,093	1,723	1,617	1,560	1,406	1,669
576	655	657	662	556	647
357	355	334	362	335	307
288	269	250	232	202	221
187	168	190	153	172	170
153	151	127	124	110	136
137	108	110	95	87	87
128	90	65	89	60	73
145	125	129	137	97	109
39,830	40,351	43,588	40,883	39,729	44,136
1,015	1,346	1,286	1,517	1,508	1,510
29,488	30,354	30,229	31,435	31,031	32,918
14	12	16	13	39	47
7,436	7,391	8,654	8,392	8,500	9,250
8	3	4	7	2	56
377	420	511	570	484	419
381	321	367	363	358	428
3,781	4,830	5,677	6,343	5,966	6,897
13,008	13,376	15,897	14,196	14,900	15,182
1,565	1,562	1,444	1,354	1,397	1,450
3,698	3,766	3,385	3,178	3,221	3,548
12,570	12,944	13,530	13,196	12,709	14,333
1,039	1,070	1,154	1,569	876	1,206
Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.
29,462 10 3	31,883 11 9	22,858 6 3	31,122 4 6	29,919 0 0	34,523 1 3

THOMAS JONES,
Offg. 5th Judge and Clerk of the Court.

No. 15.

Statement showing the Number of Mofussil Commissions issued to the Calcutta Court of Small Causes under Section 177 of Act VIII of 1859 for the year 1872-73.

Months.	Number of commissions received.	Number of commissions executed.	Number of witnesses examined.	By what Judge disposed of
April 1872	16	9	17	5th Judge.
May ,, ...	18	8	13	Ditto.
June ,, ...	16	9	19	Ditto.
July ,, ...	23	7	11	Ditto.
August ,, ...	24	19	32	Ditto.
September ,, ...	17	9	18	Ditto.
October ,, ...	1	1	1	Ditto.
November ,, ...	11	4	9	Ditto.
December ,, ...	12	6	11	Ditto.
January 1873	28	15	24	Ditto.
February ,, ...	21	12	25	Ditto.
March ,, ...	18	8	21	Ditto.
Total ...	205	107	201	

CALCUTTA COURT OF SMALL CAUSES,
The 31st July 1873.

THOMAS JONES,
Offg. 5th Judge and Clerk of the Court.

No. 16.

Statement showing the Number of After-judgment Processes issued during the year from 1st April 1872 to 31st March 1873.

1	2	3	4	5	6	7	8
	Number of processes applied for.	Number in which money was deposited after processes applied for, but before execution.	Number executed.	Number unexecuted and returned with the remark, *Nulla bona no est inventus.*	Number of writs applied for but not carried into execution by the parties.	Number pending on 31st March 1873.	Total number of columns 3 to 7
Seal warrants	3,427	70	2,781	310	542	164	3,867
Body warrants	5,870	104	3,238	1,844	.....	244	5,430
Total	9,297	174	6,019	2,154	542	408	9,297
Copies of judgments and certificates for execution out of the jurisdiction of the Court						.....	419
							9,716

	Seal warrants.	Body warrants.	
By 3 European bailiffs	755	1,167	
,, 5 Native seal ,, ...	2,025	.....	
,, 40 body warrant ,, ...	.....	2,072	
	2,780	3,239	6,019

CALCUTTA COURT OF SMALL CAUSES,
The 31st July 1873.

THOMAS JONES,
Offg. 5th Judge and Clerk of the Court.

No. 17.

Statement showing the Number of Cases decreed wholly and partially by each Judge from 1st April 1872 to 31st March 1873.

	April 1872.		May 1872.		June 1872.		July 1872.		August 1872.		September 1872.		October 1872.		November 1872.		December 1872.		January 1873.		February 1873.		March 1873.		Total.	
	Whole.	Part.	Whole.	Part.	Whole.	Part.	Whole.	Part.	Whole.	Part.	Whole.	Part.	Whole.	Part.	Whole.	Part.	Whole.	Part.	Whole.	Part.	Whole.	Part.	Whole.	Part.	Whole.	Part.
First Judge	105	18	65	17	75	14	107	17	81	12	121	12	22	4	96	13	102	14	109	21	95	18	85	22	1,063	182
Second Judge	219	56	171	30	177	49	313	75	227	52	329	86	58	12	177	45	222	49	223	128	246	69	267	91	2,629	742
Third Judge	215	72	133	64	180	46	292	87	256	76	319	115	42	21	212	81	210	101	269	89	268	61	315	34	2,711	847
Fourth Judge	303	85	227	40	206	74	355	75	323	90	338	86	62	10	56	14	2	4	260	54	280	50	266	77	2,678	668
Fifth Judge	259	37	195	23	250	38	388	48	349	58	422	66	45	12	272	31	249	43	189	114	186	19	349	20	3,153	509
Total ...	1,101	268	791	183	888	221	1,455	302	1,236	288	1,529	365	229	59	813	184	785	211	1,050	406	1,075	217	1,282	244	12,234	2,948

CALCUTTA COURT OF SMALL CAUSES,
The 31st July 1873.

THOMAS JONES,
Offg. 5th Judge and Clerk of the Court.

RESOLUTION.

JUDICIAL DEPARTMENT.

JUDICIAL.

Calcutta, the 29th August 1873.

READ—

Report of the Calcutta Court of Small Causes for the year 1872-73.

1. The business of the court during the past year seems to have recovered from the falling off which characterized it during 1871-72. The total number of suits has risen to 34,843 from 31,536 or to a higher figure than in any year since 1865-66. The amount in litigation, Rs. 16,23,110 has also increased, but of late years there has been a falling off in this respect; suits for sums over Rs. 500 having considerably decreased. It is satisfactory to know that the improvement this year is attributed to greater briskness of trade in Calcutta.

2. The court fees realized Rs. 2,22,528, leaving a balance of Rs. 44,456 after paying all expenses.

3. In the analysis of results of trials, the Judges, after taking into account as in favor of defendants in whole or part (1) all cases dismissed, (2) all cases non-suited, (3) all cases in which plaintiff only got a partial decree, find that there were 15,182 cases decided in favor of plaintiffs, against 7,946 for defendants. Adding to the figures in favor of plaintiffs all cases compromised, the total is 29,515 for plaintiffs against 7,946 for defendants, or in the proportion of about 3 to 1. This the Judges consider a natural result in suits of the class. It is observable, however, that out of 35,719 cases for disposal only 10,007 were actually tried out, while 11,090 were compromised out of court. Including *ex-parte* cases, the claims of plaintiffs were wholly decreed in 12,234 cases and partly decreed in 2,948.

4. The number of adjourned cases pending at the end of the year is more favorable than for some years past, being only 323 in all, but of these 54 were in the First Judge's court, 106 in the Third Judge's, and 94 in the Fourth Judge's. Of the First Judge's postponements, 17 only were by order of the court, but of the Third Judge's cases 58 and of the Fourth Judge's cases 45 were postponed by their order. This is an unfavorable feature in their returns. The number of second summonses (1,510) is still also very large, and deserving of particular attention.

5. The distribution of work, as given in paragraph 11, was as follows :—

1st Judge...	1,967
2nd Judge	6,438⅘
3rd Judge	7,493⅘
4th Judge	7,493⅘
5th Judge	11,450
Total ...	34,843

The Lieutenant-Governor does not understand how cases can be divided into fractions for purposes of distribution. He does not, moreover, think the distribution altogether such as it should be, even allowing for the heaviness of some of the cases on the First Judge's file: and he hopes that, as it was ordered that the present clerk of the court and Officiating Fifth Judge should confine his attention mainly to executive work, the table for the current year may exhibit different ratios of distribution.

6. The Judges complain that the cases come in somewhat irregularly, and that in the three months before the Doorga Pujah holidays the work is excessive; the institutions for July, August, and September being 3,609, 3,457, and 4,245 respectively. Fortunately, however, 4,990 of these were struck off or compromised. There is not sufficient ground for adding to the number of permanent Judges, especially in view of the decrease of business anticipated by the court in paragraphs 16 and 17 of the report. The court was closed for forty-nine days, exclusive of Sundays, last year, and sat for 264 days. This is an improvement on 1871-72, but the number of holidays seems still too large for a court of this class.

7. Paragraphs 16 and 17 above quoted refer to modifications in the Small Cause Court practice caused by certain rulings of the High Court, the first of which does away with summonses returnable on the day of issue, requiring two clear days' notice to defendant in every case; while under the second, tiled huts are declared not to be chattels such as can be attached in execution of a Small Cause Court decree. The effect of these rulings is said to be likely to render the court less popular as a source of remedy in certain classes of cases.

8. The Judges urge the necessity of an amendment of the law on this and on other grounds, and especially with reference to the dulals or mookhtears whom it is now proposed to recognize and bring under some organization. The subject will be duly considered by the Government.

By order of the Lieutenant-Governor of Bengal,

A. MACKENZIE,

Offg. Secretary to the Government of Bengal.

To the JUDGES of the CALCUTTA COURT of SMALL CAUSES.

No. 3978.

Copy forwarded to the Judges of the Calcutta Court of Small Causes for information.

By order of the Lieutenant-Governor of Bengal,

A. MACKENZIE,

Offg. Secretary to the Government of Bengal.

Calcutta,
The 29th August 1873.

D. E. J.